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9	Attorneys for Defendants		
10	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		
11	NORTHERN DISTRI	ICI OF CALIFORNIA	
12	CENTER FOR BIOLOGICAL DIVERSITY, et al.,) Case No.: C-05-5191 JSW	
13	Plaintiffs,)) CTIPLE ATION AND EDGOCOPOL	
14	V.) STIPULATION AND [PROPOSED]) ORDER TO EXTEND TIME TO	
15	GALE A. NORTON, Secretary of the) ANSWER AND FOR FILING OF SUMMARY JUDGMENT BRIEFS	
16	Interior, et al.,))	
17	Defendants.)	
18			
19	WHEREAS,		
20	1. On December 15, 2005, Plaintiffs served their Complaint in this action on the		
21	U.S. Attorney for the Northern District of California requesting a declaratory judgment and		
22	injunctive relief related to their petition ("Plaintiffs' Petition") to list the polar bear (Ursus		
23	maritimius) as a threatened species under the Endangered Species Act (the "ESA").		
24	Defendant's answer is thus due to be filed by February 13, 2006;		
25	2. On January 18, 2006, Plaintiffs filed a motion for summary judgment requesting		
26	the Court declare that the Secretary is in violation of the ESA for failing to make a 90-day		
27	finding on Plaintiff's Petition pursuant to 16 U.S.C. § 1533(b)(3)(A) and further requesting the		
28	Court to order the Secretary to make and publish a 90-day finding on Plaintiff's Petition within		

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1	30 days of the Court's Order; on February 2, 2006, Plaintiffs re-noticed their summary	
2	judgment motion;	
3	3. On February 2, 2006, the Court ordered Defendants to file an opposition to	
4	Plaintiffs' motion by February 17, 2006 and ordered Plaintiffs to file a reply by February 24,	
5	2006;	
6	4. On February 9, 2006, the U.S. Fish and Wildlife Service published a 90-day	
7	finding on Plaintiff's Petition which states: "We find that the petition presents substantial	
8	scientific or commercial information indicating that the petitioned action of listing the polar	
9	bear may be warranted." Endangered and Threatened Wildlife and Plants; Petition to List the	
10	Polar Bear as Threatened, 71 Fed. Reg. 6745-46 (February 9, 2006);	
11	5. The parties wish to extend the dates for the filing of Defendants' answer and the	
12	remaining summary judgment briefs. As good cause, the parties state that this extension will	
13	allow them to focus their efforts on discussions about the possibility of settling this case;	
14	THEREFORE THE PARTIES STIPULATE:	
15	Defendants will file their answer and opposition to Plaintiff's summary	
16	judgment motion by February 24, 2006.	
17		
18	Dated: February 10, 2006	
19	<u>/s/</u>	
20	Paul D. Lall Attorney for Defendants GALE NORTON and the	
21	UNITED STATES FISH AND WILDLIFE SERVICE	
22		
23	Dated: February 10, 2006	
24	/s/ (by Paul D. Lall with consent)	
25	Kassia Siegel (CA Bar No. 209497) Attorneys for Plaintiffs CENTER FOR	
26	BIOLOGICAL DIVERSITY, NATURAL RESOURCES DEFENSE COUNCIL, AND	
27	GREENPEACE, INC.	
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Case 3 e 0 5 : 0 5 - 0 5 - 10 5 1 2 PURSUANT TO STIPULATION, IT IS SO ORDERED. Dated: __February 13, 2006 - 3 -